

THE ALBERTA

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Counsellor

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EDMONTON, ALBERTA

February, 1963

FIFTH SESSION OPENING THIS MONTH

ANOTHER HEAVY LEGISLATIVE PROGRAM

NEW PLANNING ACT TO COME

A new planning Act designed to streamline the mechanics and procedures of planning in Alberta and placing greater emphasis on local autonomy will be introduced during the session of the Legislature which opens February 14. The Legislature, fourteenth since September 1, 1905, when Alberta became a province, was elected June 18, 1959, and this year will be meeting for its fifth session.

To be introduced also are amendments to The Assessment Act including one by which the date for completing assessments will be advanced. If approved, the changes will facilitate the preparation of budgets and the striking of mill rates in municipalities throughout the Province at an earlier date.

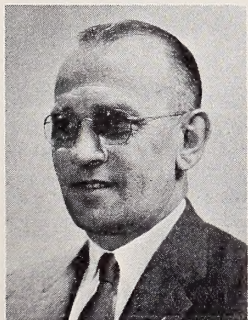
Amendments to The Assessment Act to be introduced will include another relating to depreciation and obsolescence as applied to industrial properties.

Referring to the proposed changes in municipal legislation, A.W. Morrison, Deputy Minister of Municipal Affairs, pointed out the purpose of each is to improve the administration of Alberta's municipalities. He said many of the amendments to The Assessment Act, The City Act and other municipal Acts being drafted for the consideration of the Legislature are in answer to requests from municipal organizations. Including municipal amendments, the overall legislative program is expected to be as heavy as usual.

SERVED PUBLIC FOR 28 YEARS

STANLEY CHERKAS DEAD

Death came suddenly to Stanley Cherkas, secretary-member of the Special Areas Board, on December 23 last in Edmonton. Mr. Cherkas had lived at Hanna since his appointment in April, 1957, and was visiting relatives in the city at the time of his death.



STANLEY CHERKAS

Mr. Cherkas was born in Konty, Poland, on December 2, 1911. Brought to Alberta as an infant he lived first in Edmonton and later at Lac La Biche where he received his education. Appointed secretary-treasurer of Lac La Biche in 1934, he served the public in various capacities to the time of his death. His first position with the Provincial Government was in 1936 when he was appointed sub-agent for the Department of Lands and Mines. For some time before moving to

Hanna he supervised certain phases of Special Areas administration with the Department of Municipal Affairs in Edmonton.

Mr. Cherkas was an active member of the Hanna I. O. O. F. Lodge as well as of the Hanna Lodge No. 78 A. F. and A. M. He is survived by his wife and seven children.

... ALBERTA BUREAU OF STATISTICS REVIEW

ECONOMY SHOWS EXPANSION

Alberta's economy was marked by balanced growth on all fronts during 1962, according to a review of business conditions released in January by the Alberta Bureau of Statistics.

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CROSS, SPREAD, DUFF MOVE UP

STAFF CHANGES ANNOUNCED

Three senior staff changes in the Department of Municipal Affairs made within the past month or two were announced recently by Hon. A. J. Hooke, Minister. Appointed Secretary-Member of the Assessment Equalization Board and taking over from J. H. Todrick is Robert L. Cross, formerly an Inspector of Assessments.

Ken Spread, also former Inspector of Assessments with the Department, has been appointed member of the Alberta Assessment Appeal Board and the Communal Property Board, replacing Ian Morris in both instances.

Third member of the Department to receive a new appointment is A. R. Duff, who on February 1 moved from Special Areas Lease Supervisor in Edmonton to member and secretary of the Special Areas Board in Hanna. Mr. Duff fills the vacancy left at the death of Stanley Cherkas.

Robert L. Cross, new secretary-member of the Assessment Equalization Board, was born in Stettler, October 19, 1920. Graduating from Garneau High School in Edmonton, he served overseas with the Royal Canadian Signal Corps and following the war, joined the Field Service Branch of the Department of Municipal Affairs in 1946.



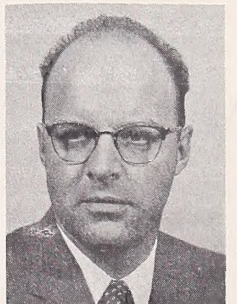
ROBERT L. CROSS

Bob is married and is the father of two boys and a girl. He is a member of the Masonic Lodge and of the Highlands Golf Club where he shoots in the low eighties.

With E. F. Breach, Chairman, and Ken Luke, Secretary-Member, Ken J. Spread completes the Assessment Appeal Board and the Communal Property Board. Ken was born at Buffalo Lake (northwest of Grande Prairie) on January 10, 1923. He attended public school there and high school at La Glace which he left for overseas service in the RCAF. After the war he completed his Grade XII and went on to the University of Alberta, graduating in 1950 with a B.Sc. in Agriculture.

That summer Mr. Spread worked as Field Supervisor at Manning with the Field Service Branch, after which he spent 1 1/2 years at the Lacombe Experimental Station. He then joined the Land Branch of the Department of Lands and Forests and in 1954 transferred to the Department of Municipal Affairs as an Inspector with the Assessment Branch.

Mr. Spread was married in December. He is a member of the Agricultural Institute of Canada, the Alberta Institute of Agrologists and the Appraisal Institute of Canada. He and his wife, Yvonne Marie, also hold membership in the Glendale Golf Club, but Ken seems to have little spare time to use it.



K. J. SPREAD

Andrew Russell Duff was born at Dennyloanhead, (To Page 7)

THE

SECOND

PAGE . . .

THE SILENT WINTER

And now comes the silent days of inward living ... the profitable hours of meditative peace. Without, white fields are full of snowy silences; within, the welcome warmth of hearth and home, the open book, where march great thoughts to lead us far afield through legend, song and story.

Now, if ever, should our summer dreams come true, —our hearts attain their aspirations, our hands fulfill their long-awaited duties; now should our faith renew its hold on God and Truth and our souls climb upward to their Heaven.

For lo! the silent winter is the Spirit's spring.
o Edwin Osgood Grover in Ideals

THAT WONDERFUL YEAR: 1913

According to the Annual Report of the Department for 1913, sixteen villages, one town and one city were established that year within the Province of Alberta. Six of these centres including the town fell by the wayside; but for the remaining twelve, celebrations during 1963 to commemorate the fiftieth anniversary of a significant stage in their development will be in perfect order.

As would be expected, the Department's Annual Report of 1913 isn't a bulky nor comprehensive document like those of later years. By including descriptions of each municipality together with names of the officials of each, the 1913 report fills 68 pages. Noted therein are the number of pieces of mail received (69,871) and sent (70,094). Addressed to Hon. Wilfrid Gariepy, then Minister of Municipal Affairs, it was signed by Deputy Minister Jno. Perrie. Its date was June 15, 1914 ... a few weeks before the outbreak of the First World War.

"The year 1913 (said Jno. Perrie in his report) was a year of great progress and development in municipal affairs in this Province, more particularly in regard to rural municipal affairs as it was the first year that rural municipalities carried on business in the Province. The fifty-five rural municipalities which were organized in the year 1912 came into existence in December of that year and carried on business for the first time during the following year ... It is a safe prediction that these organizations will become a great factor in the development of the Province."

Mr. Perrie dealt at length with the vicissitudes of fledgling urban municipalities. For their guidance he wrote "... it is wise for a municipality to go slow in contracting liabilities until conditions have become so settled that it can be fairly accurately estimated what the future of the town is likely to be."

A word about Alberta cities indicates the popularity of the single tax system within the Province at that time. "Each of our cities (Mr. Perrie reported) carries on business under its own special charter, but it is worthy of note that in the cities as well as in other municipal organizations most of the taxes are raised from taxation of land values only."

Almost casually the report mentions a Special Act of the Legislature which incorporated the Town of Red Deer as a city on March 25, 1913 ... thus bringing to six the number of cities in Alberta.

The effect of railroad construction on the formation of villages is no secret, of course, but a quote from Mr. Perrie's report describing the development while it was taking place is of interest. "The continued extension of railroads and the spreading out of settlement," he said, "has added to our village organization. During the year some sixteen villages were incorporated as compared with eleven incorporated during the previous year. The following are the villages established during the year 1913:

"Beverly (May 22); Burdett (June 30); Cadogan (July 31); Chinook (October 21); Chipman (October 21); Coalhurst (December 17); Delburne (January 17); Drumheller (May 15); Gull Lake (March 25); Lakeview (December 31); Oyen (January 17); Port Cornwall (October 27); Rocky Mountain House (May 15); Tollerton (December 27); Wab-

amun Beach (October 25); Youngstown (March 8).

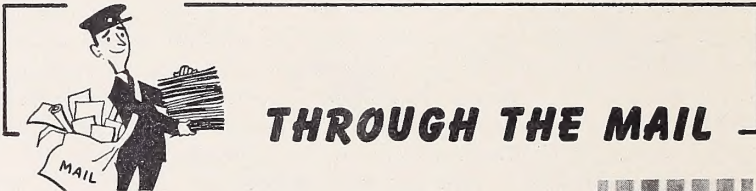
"Most of these villages are along the line of railroad construction and came into existence as soon as the railroad began operation. In fact, in some cases it is noted that the village came into existence before railroad operation commenced. The surrounding country had been settled ahead of railroad construction, and as soon as transportation was assured villages grew up almost at once at different stations along the railway."

A number of municipal activities taking place during 1913 were not referred to in the Departmental report of that year. For example, the Town of Athabasca Landing on August 4, 1913, cut its pioneer days adrift and became simply the Town of Athabasca. The citizens of Coalgate too sought distinction (from Coaldale, Coalhurst, Coal Banks) and had its name changed to Commerce as from December 17, 1913. The change wasn't enough, however, to stave off its disorganization on May 13, 1926.

It is with regret also that we record the names of Alberta centres incorporated in 1913 which were subsequently disorganized. Coalhurst, made a village on December 17, reverted to a hamlet on the last day of 1936. Lakeview, located on land which had been "severed" from the Village of Wabamun Beach on December 31, 1913, was dissolved the very same day thirty-two years later. Cadogan (southwest of Provost) was dissolved in 1945. Port Cornwall (west of Smith) and Tollerton (said to be south of Edson) were disorganized September 11, 1917, and January 26, 1918, respectively ... leaving hardly a trace in either case.

The one town mentioned in the 1913 report was Grouard which Mr. Perrie described as becoming "the most northerly in the Province." Grouard was proclaimed a town on June 27, 1913, but reverted to village status in 1940 and finally was disorganized on January 18, 1944.

But the formations of 1913 were largely well-advised and to conclude on a cheerful note, we find Drumheller going on first to become a town (March 2, 1916) and then a city (April 30, 1930). Cheerful too is the fact that Rocky Mountain House, after twenty-six years a village, became a town on August 16, 1939.



Bob—

I wouldn't like to be too critical, but isn't that Mayor Brunelle of Edson in the picture of the UAM executive appearing on page one of your December issue? Alderman W.D. Dickie of Calgary, Second Vice-President, isn't shown.

W.D. Isbister,
Assistant Chief Municipal Inspector



W.R. Brunelle

o Thanks, Bill ... and to Mayor Brunelle and Alderman Dickie (whose identities are not easily confused) our apologies. o Ed

THIS MONTH

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"... MOST OF THE LOCAL COUNCILS PERFORM A VERY LARGE FUNCTION AS LAND LORDS"

LOCAL GOVERNMENT IN BRITAIN

BY G. RONALD LATHAM,
BRITISH TRADE COMMISSIONER IN ALBERTA

TEXT OF AN ADDRESS BEFORE THE UNION OF ALBERTA MUNICIPALITIES' CONVENTION HELD IN RED DEER

EVOLUTION of LOCAL GOVERNMENT

History of local government in Great Britain can be traced back to the Saxon period, over a thousand years ago, when government was carried out independently in the courts of groups of counties which were independent kingdoms. After the Norman Conquest in 1066, England was unified under a single Crown and most of the institutions of the Saxons were abolished and new methods of local government evolved; the functions of local authorities were broadened. Until the end of the 16th Century almost the only local government service had been the upkeep of roads, bridges, jails and other county buildings for which officials had been responsible since 1555, but in 1601 parishers were empowered to levy local taxes for the relief of destitution in their areas and were required to appoint unpaid officers to carry out the work. From this time till the 18th century development of local government was slow. Meanwhile the corporations of the boroughs had become increasingly exclusive—their main activity had always been the management of municipal funds but this they had begun to do for their own advantage rather than for the public good. The result has been described as a chaos of areas, a chaos of authorities and a chaos of taxes. In certain districts there were no authorities to run the necessary services. Usually each authority had power to levy a tax to pay for its special purposes, but the citizen had no right to elect its members nor to exercise any form of supervision. A series of local government Acts from the early 1800's to 1888 introduced new measures to make local government democratic and efficient. They established county boroughs which were towns with a population at the time of 50,000. In 1894 they established urban and rural district councils and set up parish councils within the rural areas. This reformed system was based on popularly elected councils responsible for administering public services. This pattern of local government has altered very little during the past 60 years. Between the last two wars the assumption by the State of responsibilities that previously would have been considered as outside its scope added considerably to the work of local authorities. Some county boroughs extended their boundaries. A number of non-county boroughs became county boroughs, several towns acquired borough status and a certain amount of re-organization and amalgamation took place within each county. The Local Government Act of 1933 established a uniform constitutional code for local authorities.

PRINCIPAL TYPES of LOCAL AUTHORITY

For purposes of local government England is divided into county boroughs and administrative counties. The administrative counties are further divided into three types of county districts—non-county boroughs, urban districts and rural districts. The rural districts are sub-divided into parishes. Each of these divisions is administered by a different type of local authority so that we have now in Britain county councils, county borough councils, non-county borough councils, urban district councils, rural district councils and parish councils. The local authorities for London are different. There are the London County Council, the Corporation of the City of London and the Metropolitan borough councils. The local authority areas vary in size, the largest parish council covers an area of 99 square miles and the smallest 11 acres. Urban districts vary from 210 acres to 80 square miles and county boroughs cover between 7 and 80 square miles, the largest being the City of Birmingham. Populations vary similarly—in the county boroughs from 50,000 to the City of Birmingham, once more, with a population of over a million. The area administered by the London County Council covers nearly 117 square miles and has a population of between 3 and 4 million.

ADMINISTRATION

The county council consists of a chairman, aldermen and councillors. The chairman is elected annually by the council from among the county aldermen and county councillors. He may be paid a remuneration and is also ex officio, a justice of the peace for the county during his term of office. A vice-chairman is also appointed. The councillors, all of whom give their service voluntarily are entirely unpaid and are elected every three years, one councillor being elected for each division and all are eligible for re-election. The aldermen are elected for six years by the councillors. Half of their number, which is a third of the number of councillors, retire every three years and

G. RONALD LATHAM has been the British Trade Commissioner in Alberta and the Northwest Territories since April, 1962. He was born in Sheffield, Yorkshire, and is a member of a family with several generations of association with the Sheffield cutlery industry.

Educated at Sheffield Grammar School and Sheffield University, Mr. Latham served with the 14th Army in Assam and Burma during the 1939-45 war. He was the first British Trade Commissioner in Ghana, Sierra Leone and the Gambia and subsequently served in the same capacity in Bombay, India. He has recently completed over four years' service as British Trade Commissioner in Ceylon.



In addition to promoting a closer balance of trade between Britain and Canada, Mr. Latham shows a keen interest in the organization of local government. "One of the strengths of the Commonwealth," he points out, "is the similarity of institutions of democratic government. This link is made stronger by the variations in the general pattern."

their successors are elected at the annual meeting which terminates their period of office. The aldermen need not be members of the council. No person may be a councillor and an alderman at the same time. The aldermen do not meet officially apart from the rest of the council and they have no special powers. The administration of urban and rural district councils is somewhat similar. Elections for these councils take place either annually or every three years. The councillors elected hold office for three years. The great majority of the councils hold annual elections when a third of the councillors are elected.

BOROUGHS

All borough councils are created by Royal Charter and this is given only by authority of Parliament and if the town concerned is a very sizeable one. There is no difference between a county borough and a non-county borough but our name 'city' is somewhat different from yours. A city in England can be described as a borough which has acquired the title of 'city' by long custom or which is so designated in its charter or which is specially created as a 'city' by Order in Council. The corporation of a borough consists of a Mayor, aldermen and councillors. Where a borough is a city the title of the Mayor becomes Lord Mayor. And now a short word about the various members of the councils:

(a) The Mayor or Lord Mayor

The council, by the Local Government Act of 1933 is required to make its first duty at every annual meeting to elect a Mayor to hold office as chairman normally for one year but he may be re-elected. It is usual for the mayor to be elected from among members of the council. The council may pay the mayor such remuneration as it considers reasonable, taking into account his civic and ceremonial duties. In addition to his work as chairman and a representative of the borough, the mayor is concerned in municipal elections and may be the returning officer at parliamentary elections. He is also ex officio, a justice of the peace during his term of office and for one year afterwards, and he normally presides over any meeting of justices that he attends. He may appoint a deputy but the deputy cannot sit as a magistrate nor can he preside at council meetings. Subject to the royal prerogative the mayor has precedence in all places within the borough.

(b) Councillors

They are elected for a period of three years. Elections take place every year and one third of the councillors retire annually. Generally the borough is divided into electoral wards and there must be three councillors or a multiple of three for each ward. The councillors are of course unpaid.

(c) Aldermen

The aldermen number one third of the total

(To Page 6)



DEPARTMENT HAS MULTIPLE PURPOSES FROM THE BRITISH COLUMBIA GOVERNMENT NEWS

The Department of Municipal Affairs is the recognized medium of communication between the municipalities of the Province and the Lieutenant Governor in Council.

All municipalities except one function under the powers and limitations set forth in The Municipal Act. The City of Vancouver has its own charter and does not come within the purview of either the Department or The Municipal Act, except for some few sections of that Act relating to the Board of Examiners and the power to enter into joint agreements for the provision of mutually advantageous works and services.

The Board of Examiners is set up to establish and maintain standards of proficiency for municipal officials, and the Department some seven years ago agreed to underwrite the capital cost of an administration course to be set up and maintained by the University of British Columbia. The course has proved a great success and has met with the whole-hearted support of the municipal officers of the Province.

DIRECTION

The Department is under the direction of the Minister of Municipal Affairs and his Deputy Minister.

There is a statutory office which has always been held by the person who holds the position of Deputy Minister, that is, the Inspector of Municipalities. It is his duty to approve all municipal borrowings (other than for current operations), and he may certify as to the legality of borrowing by-laws and debentures issued thereunder. His duties correspond to the Municipal Boards of some of the other Provinces.

Administration covers the work of the Department entitled in the checking and advice on by-laws, agreements, and the other day-to-day problems of the municipalities. All by-laws of villages and towns are required to be registered in the office of the Inspector of Municipalities.

BY-LAWS

Borrowing by-laws are carefully examined and recommended for the various approvals required. Other types of by-laws also require examination prior to advancing for approval. Many minutes of Council must be prepared annually and thousands of municipal debentures examined prior to their certification.

RESEARCH

The Research and Statistics Division is responsible for the compilation of the annual statistics pertaining to municipal operations. In addition, this Division advises and co-operates with the municipalities on accounting methods and administration techniques.

The Department also administers the Municipal Winter Works Incentive Program, which last year benefitted the municipalities by several millions of dollars in grants from the Federal and Provincial Governments.

All municipalities are visited at least once each year by a senior official of the Department.

Commencing 1963 the Department has been made responsible for the general administration of the municipal licensing of commercial vehicles.

PLANNING

The Regional Planning Division at present has two main functions—namely, to provide community planning advice to municipalities and to give certain settled parts of unorganized territory called "community planning areas" land-use and building-inspection services.

The Division has for almost twenty years provided advisory planning services to most of the smaller municipalities beyond the communities of Greater Vancouver and Greater Victoria. Reports are presented in a form which can be adopted to give maximum effectiveness considering the size of the municipal staff which has to administer the recommendations should they be adopted.

COMMUNITY GROUPS

There are twenty-one community planning areas established throughout the Province, giving service to about 85,000 people or 27 per cent of the people in unorganized territory. In these areas the Minister of Municipal Affairs exercises the same powers as a Municipal Council. In order to determine local reaction to land-use proposals, the Minister has appointed Advisory Planning Commissions in most of the areas. These groups give their time voluntarily for the service to their respective communities. Building-inspection services are provided by field staff located throughout the Province. Because most of the houses in these areas are owner-built, these services prove to be a help to many builders, quite apart from the responsibility of maintaining safe and adequate structures.

The planning staff prepares land-use plans for these areas designed to point the way toward the best use of the lands. ●

ECONOMY SHOWS EXPANSION

(From Page 1)

Record advances were made in agricultural and mineral production, as well as in the manufacturing and construction industries. This is considered "particularly significant."

The review continues:

The value of production of the mineral industry reached an unprecedented figure of \$579 million, an increase of 22% over 1961. Alberta with 7% of Canada's population now accounts for more than 20% of the value of the nation's mineral production. Alberta again maintained its second place position being surpassed in the value of mineral production only by Ontario.

Cash income from the sale of farm products (excluding Prairie Farm Assistance Act Payments) in 1962 was up by approximately 5% over 1961, topping that year's record figures of \$528 million by \$25 million. Bumper crops and higher livestock prices were contributing factors in the increase.

The value of manufacturer's factory shipments continued its upward trend with the estimated 1962 figure of \$970 million up more than 3% over 1961.

Construction activity as indicated by the value of building permits issued rose to an all time high of \$287 million. The construction of residential and commercial structures was noticeably higher than in previous years.

Without doubt, 1962 will be recorded as a year in which the economic development of the Province proceeded at a most satisfactory rate. Moreover, there is every indication that the year 1963 will also be one of continued progress.

GENERAL

The generally buoyant business climate in 1962 was reflected by many of the economic indicators. Retail sales in 1962 were running 4% above 1961 at the first of November, with reports of better than average trade during the Christmas season promising to give an added boost to the total. Wholesale sales rose by 10% with the increase well distributed throughout the Province.

Sales of new motor vehicles soared in 1962 with sales 22% ahead of the year previous. Life insurance sales rose by 4%. Bank debits have been steadily above those of 1961 with an increase of 12% reported at October 1st.

Higher farm cash income and labour income augur well for continued expansion of retail and wholesale trade. Still further increases in sales of motor vehicles, farm machinery and building materials are in prospect. ●

DESIGN for ARDA

Massive adjustments in the use of our rural resources are necessary for economic growth, according to Resources Minister Walter Dinsdale. "Our failure to adjust to the economic changes emerging out of the world wide depression and the Second World War has placed Canada in a position where tomorrow must be faced now," he said.

The minister saw unproductive or marginal farms being turned into tree farms, parks, wild life preserves, industrial sites or tourist resorts—depending on the area's potential.

o News Report

MORE ABOUT

EQUITABLE ASSESSMENT

REPRINTED FROM

"THE GENERAL PROPERTY TAX"
BY FREDERICK L. BIRD

(Introducing the first part of a chapter from Mr. Bird's book in November's issue of The COUNSELLOR we remarked that problems relating to the assessment function were basic to the economic welfare of any community. The author is writing about the American scene, but his analysis applies also to this Province. Another section or two will follow.)

* * * *

PROBLEM OF UNEQUAL ASSESSMENT

The general property tax laws of the great majority of the states require assessment at full value, but a few provide for use of a fraction of full value, or for different fractions for different classes of property, or for some local determination of the fraction to be used. Within this framework, all states require uniformity of assessment.

So long as all taxable property within a single assessing district is assessed at the same ratio to full value, the taxpayers may be said, except for certain qualifications noted later, to receive equality of treatment irrespective of whether all property is underassessed or overassessed, i.e., assessed below or above the level of assessment established by law. In other words, there is intra-area equality of assessment. If, however, one dwelling in the district is assessed at 20 per cent of full value while another is assessed at 50 per cent, the bias in favor of the former is immediately evident, even though the latter is assessed at much less than the full-value standard set by law. Similar inequality exists when there is discrimination among classes of property, with industrial property, for example, assessed at a higher or lower ratio to full value than residential property. This type of discrimination is likely to occur, unless specially guarded against by law and administration, when railroad and other utility property is centrally assessed by the state. The state assessing agency may be guided by the basis of assessment dictated by the property tax law, regardless of the varying degrees of underassessment practiced by the local taxing districts.

The following tabulation illustrates the inequality of treatment caused by assessing at different ratios of full value in the same taxing district and also the equality that results from the use of uniform ratios, regardless of their relation to full value. Properties A, B, and C have the same full or true value and pay a total of \$1,800 in taxes, but since they are assessed at widely varying ratios to full value they pay individually a tax ranging from \$300 to \$975. But if their assessments are equalized, whether at their existing average ratio of 40 per cent or at full value, each property will then pay a tax of \$600.

Table with 5 columns: Basis, Property A, Property B, Property C, Total. Rows include Unequalized Basis and Equalized on 40% and 100% Basis.

A not uncommon situation is to find property both unequally assessed and underassessed. This long created a dilemma for the courts. When the state constitution and tax laws require assessment at full value and also require equality of assessment, what should be the position of the court when a taxpayer whose property is assessed at, for example, 80 per cent of full value, while the general level of assessment is 40 per cent of full value, contests his assessment? For years the state courts held that the taxpayer's only remedy was to secure an increase in the level of assessment of the other property; and they even went so far as to rule that since the constitution required assessors to value property at true value, it was beyond the power of the courts and the legislature to provide a remedy for a taxpayer whose property, although assessed at less than true value, was discriminated against because the generality of property in the district was assessed at a still lower ratio.

The federal courts, however, recognized that the proposed remedy was "utterly impossible" for the taxpayer to use, held that substantial and intentional discrimination was a violation of the due process clause of the federal Constitution, and ruled, as in the Sioux City Bridge Company case, that the taxpayer's right is to have his assessment reduced to the percentage of true value at which others are taxed, on the principle that "where it is impossible to secure both the standard of the true value and the uniformity and equality required by law, the latter requirement is to be preferred as the just and ultimate purpose of the law."

This judicial remedy for unequal assessment, because of the high cost of developing evidence and supporting litigation, is not actually available to the average taxpayer. Furthermore, the courts require more than "mere errors of judgment" to support a claim of discrimination. The fact that a system of taxation operates unequally because of incompetent administration does not necessarily make it repugnant to the equal protection clause of the Fourteenth Amendment.

Inter-area, as well as intra-area, uniformity of assessment is important, for various reasons, in most of the states. One reason arises from the use of local assessed valuations as tax bases by larger taxing areas within which the local assessing areas are located. In some states, counties and large special districts, instead of doing their own assessing, use the valuations set by the cities and towns within their boundaries. States that still levy property taxes base them on the local assessed valuations. Three municipalities in a county, for example, may each have achieved intra-area uniformity, but have done this on assessment levels of 20 per cent, 40 per cent, and 60 per cent, respectively, of full value. The result clearly is inequality for the taxpayers in the payment of county and state taxes unless some effective means of inter-area equalization has been developed.

Other inequalities may be created by lack of inter-area uniformity of assessment. The great majority of states centrally assess some kinds of property for local taxation at local tax rates, but often are unable, or do not attempt, to adjust these assessed values to widely varying levels of local assessment. In many states, the assessed valuations in local taxing areas are used in formulas for the distribution of fiscal aid. Also, in the great majority of states, local taxing and borrowing powers are limited variously to specified percentages of the local assessed valuations. Under these conditions, taxpayers may be treated unequally, state aid apportioned inequitably, and local governments limited unevenly in the use of their fiscal resources.

These conditions help to explain why "it is essential that the state law provide a uniform standard of assessment for all taxing districts in the state, together with adequate administrative means for enforcing the use of the common standard."

PROBLEM OF UNDERASSESSMENT

The wide gap between the legal basis and the actual basis of property assessment that prevails rather generally throughout the United States is a disconcerting feature of assessment administration.

The general property tax laws of the states are so varied in their language (and in its interpretation by the courts) that it is not feasible to determine explicitly for all individual states a prescribed level of assessment—i.e., a relationship between assessed and full value that is legally specified. However, the laws of nearly three-fourths of the states appear to contemplate assessment at full value, and the language of many of them is very specific on this point. Ohio belongs in this group as to real and public utility property, but the tax laws provide for the assessment of different kinds of personalty at various percentages of full value. In 9 states there is provision for assessment at specified percentages of full value, as follows: Alabama, 60 per cent; Arkansas, 18-20 per cent; Indiana, 33 1/3 per cent; Iowa, 60 per cent; Nebraska, 35 per cent; Oklahoma, 35 per cent; South Dakota, 60 per cent; Utah, 40 per cent; Washington, 50 per cent. Two states, Minnesota and Montana, provide that different classes of property be assessed uniformly at various specified percentages of full value. Oregon permits each county assessor to determine the ratio of full value that is to be used uniformly for assessment in his county, and in Connecticut "stop-gap" legislation adopted in 1957 (Public Act No. 673) granted similar permission to each local assessing jurisdiction. Pennsylvania permits assessors in counties of the 4th to 8th classes (comprising most of the counties) to determine the ratio of full value, not to exceed 75 per cent, at which real property shall be assessed.

As noted previously, it may be estimated from the findings of the assessment-sales ratio studies of the 1957 Census of Governments that real property was being assessed at about 39 per cent of full value nationally in 1956. (To Page 7)

LOCAL GOVERNMENT IN BRITAIN
(From Page 3)

number of councillors. They are elected by the councillors from among their own number and hold office for six years. Half of their number retire after three years. The aldermen are also unpaid and every borough council generally meets once a month but must meet four times a year.

THE ELECTORAL SYSTEM

This is somewhat different from your system in that every candidate for election as councillor stands either as a representative of one of our national political parties or as a member of an association representing some local interest, or as an independent. They must have resided within the area during the whole of the 12 months preceding the election or own freehold or leasehold land in the area. No deposit is required from a candidate but he may not spend more than \$75 on the conduct and management of his election campaign unless the number of his electors exceeds 500 when he may spend an additional 2 1/2¢ for every entry above the first 500. You will readily see therefore municipal elections in the United Kingdom and the character of these elections is very similar to the national elections and are conducted largely on political grounds with the eventual councillors being predominantly Conservative, Liberal or Labour, with a 'government party in power' and an opposition which may or may not be divided. Another point of interest for you must be the size of our council. For instance, the City of Birmingham, the second city in Britain, is governed by a Lord Mayor, 38 aldermen and 114 councillors as also is the City of Manchester. The great port of Liverpool which dates its incorporation back to the 1200's consists of a Lord Mayor, 30 aldermen and 120 councillors, all ranged under their political party banners.

INTERNAL ORGANIZATION

Local authorities are free to make their own internal arrangements. Questions of policy and principle are usually decided by the whole council which appoints committees to carry out detailed administration. The more important of the committees divide their work among sub-committees and in some cases there are joint committees and joint boards consisting of representatives of more than one authority. These usually administer such items as town and country planning, water supplies, and police service. Only the council as a whole, however, may deal with the subject of raising loans, levying taxes.

OFFICERS and EMPLOYEES

In the United Kingdom over one million people, including teachers, transport staff and building workers, are employed in local government service. Certain posts, for example the clerk to the council, the borough treasurer and the medical officer of health are compulsory in all councils.

FINANCE

The total local authority expenditure in the United Kingdom amounts to over 2,000 million pounds or 6,000 million dollars. The income for this derives from Exchequer grants, from government locally levied taxes, loans, trading receipts, rents, fees and other sources. Government grants finance more than half the net expenditure by local authorities. The largest single grant is the one paid by the Minister of Housing and Local Government to county and county borough councillors. The local taxes paid by the occupiers of land and buildings provide about a third of the total income of local authorities. They are levied by a poundage on the taxable value of property which is equivalent to the rent which the property might reasonably be expected to command if let from year to year. There are certain statutory reliefs from tax liability, notably for agricultural land and buildings which are entirely exempt. For industrial and freight transport premises which are taxed at 50% of the net annual value, and for such buildings as shops and offices the taxable values are generally 80% of their net annual value. One of the most important activities of the borough councils in England since the war has been the building of very large council house estates. These are almost townships in themselves with shopping centres and other services but all the houses are owned by the local authority and are let to tenants at an economic rent; thus most of the local councils in Britain perform a very large function as land lords. In recent years their functions with regard to control of hospitals, electricity supplies and gas have been taken from them with the nationalism of the medical and power services. These functions have been transferred to other authorities. It can be said, however, that the system of voluntary service for all elected members of the council and for all aldermen, based on a tradition more than a 100 years old has worked very successfully, and that whilst our local government is based on such a time honored plan, this plan is always under review, and in fact two local government commissions are at the present moment reviewing the general county and county borough pattern of England

and Wales in order that they make recommendations for changes in the pattern after consulting the relevant local authorities and other interested bodies before submitting to Parliament. One of the major problems before this commission is to carry out an extensive review of the boundaries of the various local authorities. This report, which was only recently completed, was bound to be impracticable and indeed the alteration of boundaries for the many councils are of vital interest and continue to be a bone of contention.

SERVICES PROVIDED BY COUNCILS

These are generally classified under three headings—environmental, protective and personal.

Environmental services are those designed to secure and improve the cities and the surroundings - e.g. drainage, sewerage, street cleaning, garbage collection and disposal, water supplies, food hygiene, prevention of air pollution and provision of baths and wash houses. Also services for bridge and highway construction and maintenance, street lighting, recreation grounds and parks, road safety.

Protective services include the fire service, civil defence service and the police service. The latter is sometimes administered jointly with other neighboring towns.

Personal services - Mainly designed to promote the well being of individuals - e.g. health service, education, housing, entertainment.

One could continue discussing the organization of our cities and towns for a very long time but I feel I should finish now and hope that what I have had to say will give you some idea of the working of those bodies in England parallel with your own and thereby help to cement that link between the United Kingdom and Canada which stemmed from common interests in the life and government of communities administered by similar, but not exactly the same local government machinery.

THE MUNICIPAL COUNSELLOR
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| Election Procedure (Bruce Ramsay) | November |
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| Carl Gunderson | February |
| Albert Turgeon | April |

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| George, Shades of Henry | June |
| Giant at Wabamun | May |
| Government (Milwaukee Journal) | September-October |
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| C.F. Pals | March |
| Eld James Martin | April |
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Meet the Department:

| | |
|---------------------------------------|----------|
| J.E. Wilmot and James M. Bodman | February |
| A.T. Pituskin and L.J. Bartman | March |
| N.W. Hanevich and V.H. Lawrence | April |
| Harold Nyren and Stanley Sluzar | May |
| G.L. Blackmore and G.C. Pangman | June |

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|---|----------|
| More Golden Milestones | February |
| Mrs. Ferguson, Q.C., of Trochu | February |
| Municipal Affairs and Finance (Hon. A.J. Hooke) | December |
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| Municipal Labour Relations (K.A. Pugh) | July and August |

| | |
|---------------------------------|-------------------|
| Newcastle Railroad Opened | September-October |
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Office of the Month:

| | |
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| Edson | February |
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| Pensions for Local Authorities | May |
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| Population, Lean Increase | April |
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| J.H. Galbraith of Ponoka | March |
| Ezekiel Keith of Strathcona | May |
| Bea Hawthorne of DMA | September-October |
| J.H. Todrick of DMA | December |

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| | |
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| | February and March |
| Saskatchewan, Statute of | August |
| Site Taxation in Australia (John Holgersen) | July |
| Spice of Life (Hon. A.R. Patrick) | September-October |
| St. Albert Status Changed | June |

Town of the Month:

| | |
|------------------------------------|-------------------|
| Drayton Valley | January |
| Peace River | August |
| Towns, Two Annexed | January |
| Towns, Add Two and a Village | February |
| Town of Fort McMurray | August |
| Town, Trochu Becomes 91st | September-October |

| | |
|---------------------------------|-------------------|
| Vandals Along the Highway | September-October |
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| | |
|---|----------|
| Winter Works Heading for Record | March |
| We've Had a Real Good Year (J.M. McKay) | December |

STAFF CHANGES ANNOUNCED

(From Page 1)

Sterlingshire ,

Scotland, on September 1, 1916. Coming to Canada with his parents in 1930, he resided in Winnipeg until his discharge from the RCAF in July, 1946, when he moved to Alberta. Andy served five and one-half years in the airforce, three of which were overseas.

Mr. Duff entered Government service with the Department of Lands and Forests and spent four years in the Provincial Land Agency at Peace River, then moving to Edmonton for another four years with the Forestry Branch . In 1954 he transferred to the Department of Municipal Affairs as Tax Sale Inspector with the Tax Recovery Branch. His work with the Special Areas goes back to 1957.



A.R. DUFF

Mr. Duff will be sorely missed in Edmonton where he holds a number of offices, including Treasurer of Evergreen Masonic Lodge; President of the Choir of St. James United Church; President of Branch 2, CSA of A; member of the A.O.T.S. Club. Married to the former Marjorie Cruikshank , their two children are Edith May who at 9 years is a noted highland dancer, and Norman Alexander who is approaching six.

MORE ABOUT EQUITABLE ASSESSMENT

(From Page 5)

None of the states having a requirement for full value assessment approaches full value assessment on a state-wide basis. Some of the states with a fractional requirement in practice fall well short of meeting the specified level, although in those states which have most recently adopted fractional bases of assessment the intent has been to legalize the existing practice.

This situation raises three related questions that are concerned vitally not only with the future of the general property tax but with the well-being of local government. First, why does assessment administration fail to comply with the requirement of the law? Second, in what ways, if any, is underassessment detrimental to local government? Third, what are the relative merits of full value assessment and fractional assessment, both in conformity with law? In discussion of these questions it is important to distinguish clearly between under-assessment, in which assessors ignore law, and fractional assessment established by law.

What is often referred to as competitive underassessment has long been regarded as one of the causes of official valuation at low percentages of the legal standard. Competitive underassessment is a reflection of community policy rather than assessor's policy, the intent being to avoid payment of a fair share of county and state property taxes; or, where state school aid is apportioned inversely to assessed valuation, to obtain a disproportionately large share of such aid; or to induce new industries to locate locally. With an increasing number of states engaged in improving their methods of inter-area equalization of assessment, the opportunities for local financial advantage at the expense of other areas are lessening; but the deep underassessment established by past practices tends to continue except under the pressure of dire local need for more revenue within a state-imposed tax rate limit or a mandate to increase the level of assessment such as has been issued by a few states. Instances may be cited, in states where there still is no effective equalization, of the creation of new overlapping special-purpose units of local government having taxing and borrowing power in order to avoid loss of the advantages of competitive underassessment.

INFLUENTIAL PROPERTY OWNERS

In any review of other causes of underassessment, the pressure of influential property owners for minimizing property taxes in favor of other forms of revenue is not to be overlooked; but the assessors themselves carry a large share of the responsibility. In the first place , underassessment is more popular with the taxpayers, it helps to obscure unequal assessing, and it avoids the controversies that are bound to arise when full value assessing is attempted. These are important considerations for the assessor if his job is elective or if his assessing methods tend to be unskilled and casual. the taxpayer whose property is assessed at, say, 40 per cent of full value when the law specifies 100 per cent may think that he has a bargain; even if much other property is assessed at only 25 per cent or 30 per cent, usually he is not in a position to know this; and even if he feels discriminated against he is unlikely to complain when he realizes that his assessment potential is more than twice the existing level. As one authority explains, "Historically, the full value law has been used by some escape-minded assessors as a convenient method of turning aside complaints of inequity."

(More Next Month)

LONG IN THE SERVICE



MUNICIPAL DIPLOMATS - Carl B. Cummer, City Clerk of Calgary (left) accepts a scroll signed by his colleagues at City Hall on his retirement after 37 years with Calgary. Holding the scroll is H.S. Sales, his successor and former assistant, who has been with the City for 22 years. (Templeton of The Herald)

CUMMER OF CALGARY RETIRES

According to a recent story in the Calgary Herald, Carl Cummer has developed diplomacy at the municipal level to a fine art. "The white-thatched civil servant has few peers in quietly dealing with colorful but sometimes stormy civic personalities and with indignant taxpayers ... A veteran of countless council skirmishes and an aide to six different mayors, he leaves his office with his secrets intact."

Mr. Cummer earned his reputation through 37 years of service with the City of Calgary, the last eight of which he was City Clerk. His official retirement dates from the end of the year. His successor is Harry Samuel Sales, former Deputy City Clerk, and himself a veteran of 22 years with the City Clerk's Department.

Carl Burton Cummer was born in the village of Florence, Ontario, on January 24, 1903. He was seven when his family moved to Calgary and ready for his education. This he received while attending Central, Westward and Connaught Schools and Sunalta High School; and upon graduating he began his career in municipal service as a stenographer in the City Clerk's Department. That was in 1925 and four years later he was appointed Records Clerk, a position he held from 1929 to 1944. He was made Assistant City Clerk in 1944, moving to the chief's position eleven years later.

Mr. Cummer and his wife, Ethel, have a family of two: Roy, who is Chief Engineer for the Amerada Petroleum Corporation; and a daughter, Mrs. S.F. Matthews; both living in Calgary.

In a recent letter, Mr. Cummer sent his best wishes "to my counterparts throughout the Province and to the Government officials; all of whom I have found to be most courteous and helpful.

"I consider it an honor and a privilege," the letter continues, "to have served the public, and while it has been a very busy life, it has also been most interesting and enjoyable."

In the spare time of his retirement, Mr. Cummer plans to serve Calgary in an unofficial capacity, indexing old city records. "I've wanted to do that for years, but until now," he smiled, "I haven't had time."

What makes one happy as a lark
And renders life much sweeter,
Is finding just the place to park
With minutes on the meter. o R.G.H.

Driving today's cars is practically effortless. This leaves the mind free to figure out how to make the easy payments.

Nobody knows for sure how old the human race is, but every one will agree its old enough to know better.

SECRETARY'S CALENDAR



- Municipal District Act
- 5th-Within 5 days after the end of each month the secretary-treasurer shall prepare a statement of monies received and their disposition, submit to council at next meeting and enter a copy in the minutes. Sec. 61(v).
- March 1 - Add penalty to arrears of taxes. Sec. 349.
- March 3 - Council shall appoint an auditor before this date. Sec. 66(1).
- March 15 - First quarter of school requisition due. Sec. 338.
- Council shall appoint an assessor forthwith if not already having done so. Sec. 64(1).
- Prepare estimates of revenues and expenditures and set mill rates by by-law as soon as practicable. Sec. 331.

NOTE: Due to amended legislation effective January 1, 1963, no elections are necessary in counties and municipal districts until later in the fall, preparations to commence not later than September 15.

- Town and Village Act
- 15th-Secretary-treasurer shall prepare a statement of monies received and their disposition, submit to council at next meeting and enter a copy in the minutes. Sec. 67(r).
- March 15 - First quarter of school requisition due. Sec. 355(1).
- April 1 - Appoint auditor on or before this date and advise Minister of this appointment. Sec. 73.
- April 1 - Appoint assessor on or before this date and advise Minister of this appointment. Sec. 71.
- Prepare estimates of revenues and expenditures and set mill rates by by-law as soon as practicable. Sec. 353.

- Assessment Act, 1960
- March 1 - Assessment slips to be mailed on or before this date. Sec. 28 and 69.
- Completion of duties of the Court of Revision within 90 days after March 1st. Sec. 43.
- All assessment appeals to be received within 30 days of the mailing of assessment slips. Sec. 37.

- Tax Recovery Act
- March 1 to 31 - Prepare a Tax Arrears List. Sec. 4.

QUESTIONS ANSWERED WITHOUT PREJUDICE
ACCORDING TO THE ACT

- Q: Is a municipality eligible for a grant in lieu of property taxes from the Alberta Government Telephones?
- A: Yes, upon authority of Section 24 of The Assessment Act, Section 5 of The Municipal and Provincial Property Valuation Act, 1961, and Section 34 of The Alberta Government Telephones Act.

To obtain these grants the Secretary-Treasurer should immediately forward to Alberta Government Telephones, in care of the Comptroller's Office, Alberta Government Telephones Building, Edmonton, the following: (1) An assessment notice covering the works and transmission lines; (2) An assessment notice covering the valuation of land and buildings owned by them (if any); (3) A tax notice in regard to the works and transmission lines made up in the usual manner; (4) A tax notice in regard to the land and buildings (if any), made up in the usual manner showing the tax and the amount of the frontage taxes (if any); (5) A covering letter requesting payment of the grant.



The amount of the tax shown on the tax notice would be calculated by multiplying the assessment by the total mill rate that would be applicable to any other property in the municipality. In the case of municipal districts and counties the levy for supplementary school and hospital taxes must not be included on the tax notice.

When the grant is received, a receipt must be issued in the usual manner and forwarded to the Alberta Government Telephones. The amount of the receipt should then be posted to the cash book as a grant and must not be shown as taxes nor entered on a tax roll card as taxes.

o D.E. Mills, Chief Provincial Assessor